

## REMARKS

This amendment cancels all pending claims 12-30, 34, 35, 67-104 and adds new claims 106-161.

### The Telephone Interview

Applicants thank Examiner Marschel for the courtesy of a telephone interview conducted on December 19, 2002. This response clarifies the definition of the structures used in the pending claims, as discussed during the interview. Applicants believe that, based on that interview, the clarifying amendments made herein are sufficient to overcome the rejections and objections made in the Office Action dated October 1, 2002. The chemical structures in claims 105, 108, 124, 138 and 161 have been modified as suggested by the Examiner to better clarify where R groups are attached and what groups are at the termini of polymers.

### Amendments to the Claims

Claims 12 and 104 were amended by replacement with claims 105 to add  $R_m$  groups to the termini of the polyamino acids depicted in the structures in these claims. This amendment is supported by the specification as filed, which does not specify where on the amino acid, Z, the  $R_m$  group is attached. It was the intention of the original specification that the  $R_m$  group be placed at any position on the amino acid. Thus, the  $R_m$  group can be positioned at the amino terminus or the carboxy terminus. When  $m=0$  for  $R_m$  at a terminus, the terminus is either the unmodified amine or the unmodified carboxyl. Otherwise, R is as defined in the claims.

Claim 15 was amended by replacement with claim 108 to add  $R_m$  groups to the termini of the polysaccharide depicted in this claim. This amendment is supported in the specification as filed, which does not require a specific point on the sugar of the  $R_m$  group. Thus, the  $R_m$  group can be placed at any position on the sugar, including at either terminus. When  $m=0$  for  $R_m$  at a terminus, the terminus is either H or OH. Otherwise R is as defined in the claim.

Claim 67 replaced as claim 124 was also amended to clarify that the termini of the polyamino acid are (unmodified) amine and carboxyl termini. This amendment is supported by the broadest interpretation of the structure of the polyamino acid depicted in claim 67, which includes the presence of unmodified polyamino acid termini. This amendment was made to

clarify that this claim is directed to a subset of species of the polysaccharide in which the termini are limited to amine and carboxyl.

Claim 81 by replacement as claim 138 was also amended to clarify that the termini of the polysaccharide are H or OH. This amendment is supported by the broadest interpretation of the structure of the polysaccharide depicted in claim 81, which includes the presence of unmodified polysaccharide termini. This amendment was made to clarify that this claim is directed to a subset of species of the polysaccharide in which the termini are limited to OH and H.

No new matter was added by any of these clarifying amendments.

#### Rejections under 35 USC § 112

In the Office Action, claims 12-22, 34, 35, and 67-103 were rejected as allegedly indefinite under 35 U.S.C. § 112. The Office Action states that the structures depicted in claims 12 etc. cause the claims to be indefinite as to what metes and bounds are meant thereby because the two open bonds protruding to the left and right from the reiterated central structure can be reasonably interpreted to indicate that the claimed compound may be attached to other moieties without limitation.

As suggested by the Examiner in the telephone interview, claims 12, 15, 67, and 81 have been amended to better clarify the structure of each claimed compound at these open bonds. Applicants believe that these amendments sufficiently define the structures as claimed, and respectfully request that this rejection be withdrawn.

#### Rejections under 35 USC § 102

In the Office Action, claims 12, 13, 21, 34, and 104 are rejected as allegedly anticipated under 35 U.S.C. § 102 by the Histidine-Lysine containing peptide of Wood et al. (1985). The Office Action refers particularly to the compound found in the first 2 lines of the Abstract of Wood et al, stating that the referenced compound comprises a basic amino acid (lysine) modified with a methyl group ( $m=1$ ), and another basic amino acid (histidine) that is unmodified ( $m=0$ ) and that the other moieties present in the Wood compound are encompassed by the open bonds in the Applicants' claimed structure. Applicants traverse this rejection.

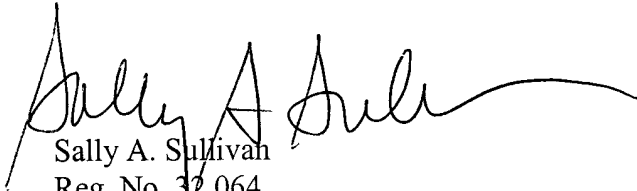
Applicants note that claim 12 (as new claims 105) has been amended to clarify that the only moieties present in the polyamino acid as claimed are the defined R groups or amine or carboxyl termini. As such, the compound disclosed by Wood et al., which comprises not only basic amino acids, but also non-basic amino acids and non-alkyl moieties (e.g. t-Boc) is not encompassed by claim 105. Applicants request that this rejection be withdrawn.

### CONCLUSION

All rejections and objections of the claims are believed overcome. Reconsideration and withdrawal of the rejections and objections is respectfully requested.

With this amendment, this application is believed to be in order for allowance and passage to issuance is respectfully requested. It is believed that a fee in the amount of \$110.00 for a one-month extension of time is due with the submission of this Amendment. This fee, as well as a petition requesting this extension of time, is included with this response. If the fee enclosed is incorrect, however, please charge any additional fee, or credit any overpayment to Deposit Account No. 07-1969.

Respectfully submitted,



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